

Qualified Lawyers Assessment (QLA)

Syllabus, reading list and exam procedures

EXAMINATIONS

The examinations consist of eleven papers as follows: -

- (1) Legal system and legal method
- (2) Public Law
- (3) Obligations
- (4) Criminal Law
- (5) Evidence
- (6) Procedure
- (7) Conveyancing
- (8) Trusts and Succession
- (9) European Law and Institutions
- (10) Professional Conduct
- (11) The Accounts Rules

EXEMPTIONS

Information about how to apply for exemptions, including the application form, is on our website.

EXAMINATION FEES

There is an additional fee for sitting the examinations. This fee is **£100 per paper**. There is no charge for any Oral examination for which the applicant may be called. If an applicant is required to resit an exam, the resit fee is also **£100 per paper**.

PASS MARK

Notes on our Marking Scale and Descriptors are attached at the end of this guidance. Each paper will be graded A to G. Grades A to D are passes.

Grade E1 is regarded as a marginal fail, in which the exam script will be remarked by a second examiner with expertise in that subject.

NUMBER OF ATTEMPTS

Candidates may attempt **all papers stipulated** over two successive sittings and, in the event of a candidate electing to do so, the two successive sittings for examination will be deemed as one “diet” for the purposes of these regulations. If a candidate does not pass, he/she must *normally* attempt **all** outstanding paper(s) at the immediately succeeding diet. No more than **four** attempts at any one paper will be allowed.

ADMINISTRATIVE DETAILS

The two diets of the Assessment are held each year at our offices in Edinburgh in early **MAY** and **NOVEMBER**. A copy of the exam timetable can be found on our website.

Enrolments for the examinations must be made **no later than six weeks** prior to the relevant exam date. **Late enrolments will not be accepted.** Enrolment forms can be downloaded from our website.

Exact details of the venue, timetable and other arrangements for the examination diet will be sent out around three weeks beforehand. To that end, it is important that candidates contact martynrobinson@lawscot.org.uk with any change in circumstances or if contact details change.

ORALS

- (a) Candidates may be called for oral examination only in exceptional circumstances.
- (b) The decision to call candidates for oral examination is at the sole discretion of the examiner and executed in conjunction with the Chair or Vice-Chair of the Board of Examiners.
- (c) Where a candidate is called for an oral exam, they may be questioned on any of the answers attempted, any of the paper, any of the syllabus.
- (d) An oral examination will ordinarily take place within 30 days of the examination date. Full details of the arrangements for oral examinations will be given to candidates if they are called.

QUERIES

For any queries regarding the Qualified Lawyers Assessment, contact Martyn Robinson (martynrobinson@lawscot.org.uk) of the Education, Training and Qualifications team at the Law Society of Scotland.

ADDITIONAL INFORMATION

References and Sources

Candidates should at all times use the legal terminology relevant to the law of Scotland. Candidates may wish to consult the “Glossary of Scottish Legal Terms, Latin Maxims and European Community Legal Terms” published by Butterworths and the Law Society of Scotland.

All candidates should have in their possession a copy of the syllabus and reading list for the relevant examination. The texts listed form the basis of the study materials for each subject. Candidates are not expected to obtain the complete list of texts.

Candidates should note that while the textbooks cited on the reading lists are the latest editions there are often case or statutory developments subsequent to the publication of the text. Candidates will be expected to be aware of any such developments.

Candidates may find Avizandum legal bookshop based in Edinburgh a good source for obtaining books - <http://www.avizandum.co.uk/>.

EXAMINATION PROCEDURES

- This is an “open book” assessment and candidates are permitted to take into the examination hall any books or materials, including a candidate’s own notes.
- Direct copying of materials into the exam script (other than brief parts of primary sources where precise technical wording is required) is likely to attract no marks and may amount to plagiarism.
- Candidates are required to demonstrate, through their written answers, their understanding of the material under examination.
- Answers should be expressed in candidates’ own words.
- Candidates should note that if there are any extenuating circumstances of which they wish the examiner to have regard, information should be submitted to martynrobinson@lawscot.org.uk **in advance** of the examination.
- Candidates should answer the required number of questions.
- Answers should be fully reasoned with appropriate citation of authorities.
- Candidates are required to write legibly. **If an examiner is unable to read a candidate’s handwriting, he or she will deduct marks, or may require failing**

that candidate. No extra sittings will be permitted to candidates who fail as a result of illegible handwriting.

- Any candidate who enrolls for an exam and either fails to give at least **seven days' notice** that he/she will not attend, or does not have reasonable cause for non-attendance, will be treated as having failed the exam.

Intimation of Results and Right of Appeal

Candidates are advised in writing of results usually within five weeks of the exam date and full details of oral examinations will be given if a candidate is called.

For candidates who have failed an examination, Examiners complete a form to provide feedback on their performance. Feedback is not provided for candidates who have passed an examination.

CANDIDATES SHOULD NOTE THAT THE EXAMINER'S DECISION IS FINAL AND THAT THERE IS NO RIGHT OF APPEAL OTHER THAN ON PROCEDURAL GROUNDS.

Candidates wishing to appeal should do so in writing to martyrobinson@lawscot.org.uk within 28 days of receiving the exam result.

Moderator

Where it is alleged that the examination process has been defective, the Board of Examiners has the power to appoint a suitable person to act as a moderator. The moderator will investigate the complaint and report to the Board of Examiners who may take such action as they consider appropriate in the light of the moderator's report.

SCOTTISH LEGAL SYSTEM AND LEGAL METHOD

ASSESSMENT

One exam paper of 1-hour duration.

All candidates must answer 3 questions

Common law qualified candidates can answer any 3 questions from Q1 to Q4.

Non-common law qualified candidates can answer any 2 questions from Q1 to Q3 and must answer Q4 which is compulsory.

SYLLABUS

1. The civil and criminal justice systems of Scotland, including court structure
2. Judicial precedent;
3. Statutory interpretation;
4. Sources of law (including Institutional writers);
5. The branches of the legal profession;
6. Access to justice, including the public funding of access and challenges to them including alternative providers.

BOOKLIST

[Latest editions should always be used]

ESSENTIAL READING

Megan Dewart, *The Scottish Legal System* (6th ed, Bloomsbury Professional 2019)
E Finch and S Fafinski, *Legal Skills* (7th ed, Oxford University Press 2019)

RECOMMENDED READING

Robert Shiels, *Scottish Legal System* (4th ed, LawBasics 2015)
Fiona Grant, *Legal Research Skills for Scots Lawyers*, (3rd ed W.Green 2014)
Julian Holland and James Webb, *Learning Legal Rules* (10th ed, 2019)
William Twining and David Miers, *How to Do Things with Rules* (5th ed, Cambridge University Press 2014)
Familiarity with the Stair Memorial Encyclopaedia titles on “Sources of Law (Formal)” (specifically the material on Judicial Precedent), and “Interpretation of statutes, deeds, and other instruments” is very helpful.

PUBLIC LAW

ASSESSMENT

One exam paper of 1-hour duration. Each candidate will be required to answer 2 out of 4 questions.

SYLLABUS

General

1. constitutions and constitutionalism; sources of constitutional law; devolution; the UK and Scottish constitutions
2. Basic doctrines: parliamentary sovereignty; the rule of law; separation of powers; judicial independence; ministerial accountability
3. The UK and Scottish Parliaments, structure, composition and functions
4. The UK and Scottish Governments: composition, powers and functions
5. The EU dimension (following the European Union Withdrawal Act 2018 and the European Union (Withdrawal Agreement) Act 2020)

Human Rights

1. Human Rights Act and the Scotland Act (including devolution/ compatibility issues)
2. The European Convention on Human Rights: enforcement machinery and substantive guarantees (in particular, Arts 2-3, 5-6, 8-11, and Prot 1 Arts 1-3)

Administrative Law

1. Delegated legislation
2. Administrative justice: tribunals and inquiries
3. Judicial control of governmental action: judicial review
4. Non-judicial redress of grievances via ombudsmen, etc
5. Freedom of Information

BOOKLIST

A standard textbook on UK constitutional and administrative law, e.g.

Mark Elliott and Robert Thomas, *Public Law* (3rd edn, OUP, 2017),
Anthony Bradley, Keith Ewing and Christopher Knight, *Constitutional and Administrative Law* (17th edn, Pearson, 2018)

Together with, on the Scottish dimension of the subject, at least one of:

Chris Himsworth and Christine O'Neill, *Scotland's Constitution: Law and Practice* (3rd edn, Bloomsbury Professional, 2015)
Alan Page, *Constitutional Law of Scotland* (W. Green, 2015)
Paul Reid, *Public Law* (3rd edn, W Green, 2015)
Hon Lord Reed and Jim Murdoch, *Human Rights Law in Scotland* (4th edn, Bloomsbury Professional, 2017)

OBLIGATIONS

For general reading, candidates may find it useful to have to hand a copy of Hector MacQueen's "Studying Scots Law" (3rd ed, 2004) published by Lexis Nexis.

ASSESSMENT

One exam paper of 1-hour duration. Each candidate will be required to answer 2 out of 4 questions. The question paper will be divided into Section A (Contract) and Section B (Delict) and candidates are required to answer one question from Section A, and one question from Section B.

SYLLABUS

1. Voluntary obligations: unilateral obligations or promise.
2. Voluntary obligations: contract formation and formalities, contractual terms, defective and illegal contracts.
3. Breach of voluntary obligations: remedies and title to sue.
4. Involuntary obligations: breach of statutory duty (such as the Occupiers' Liability (Scotland) Act; Consumer Protection Act; Health and Safety at Work etc Act).
5. Involuntary obligations: rules of liability for fault or culpa at common law.
6. Involuntary obligations: delicts involving wrongful interference with property, wealth (pure economic loss), reputation and bodily integrity.
7. Involuntary obligations: Liability to relatives of a victim.
8. Obligations arising from unjustified enrichment.
9. Enforcement of obligations including recovery of debt.
10. Extinction of obligations (including negative prescription and limitation).

BOOKLIST

[Latest editions should always be used]

General

- Hogg, Obligations (2nd edn, 2006)

Contract

- G Black, Woolman on Contract (5th ed, 2014)
- MacQueen and Thomson, Contract Law in Scotland (4th ed, 2016)
- McBryde, The law of Contract in Scotland (3rd ed, 2007)

Delict

- Thomson, Delictual Liability (5th ed, 2014)
- Pillans, Delict: Law and Policy (5th ed, 2014)

SCOTS CRIMINAL LAW

Candidates should note that, in examination answers, they are expected to cite relevant authority.

ASSESSMENT

One exam paper of 1-hour duration. Each candidate will be required to answer 1 out of 2 questions.

SYLLABUS

1. *Actus reus*.
2. *Mens rea*.
3. Attempted crimes, general defences.
4. Crimes against the person: homicide, assault and sexual offences.
5. Theft, robbery and fraud.
6. Public Order Offences (including Breach of the Peace).

BOOKLIST

ESSENTIAL READING

P R Ferguson and C McDiarmid, Scots Criminal Law: A Critical Analysis (2nd ed, 2014) (Edinburgh University Press)
T H Jones and I Taggart, Criminal Law (7th ed 2018) (W Green);

RECOMMENDED READING

G H Gordon, The Criminal Law of Scotland:

- Vol 2 Specific Crimes (4th ed, J Chalmers and F Leverick (eds), 2017);
- Vol 1 General Criminal Law (3rd ed, M G A Christie (ed), 2000),
- M G A Christie, Supplement 1 to Volumes 1 and 2 (2005),
- J Chalmers The New Law of Sexual Offences in Scotland Supplement 1 to Vol 2 (W. Green, 2010)
- A M Cubie, Scots Criminal Law (4th ed, 2016) (Bloomsbury Professional)

EVIDENCE

Candidates should note that, in examination answers, they are expected to cite relevant authority.

ASSESSMENT

One exam paper of 1-hour duration. Each candidate will be required to answer 2 out of 3 questions.

SYLLABUS

1. Relevance and admissibility.
2. Classification of evidence, including oral, real, documentary and opinion evidence.
3. Requirements for proof including onus, standard, presumptions and judicial knowledge.
4. Sufficiency of evidence including corroboration, similar fact evidence, admissions and confessions.
5. Exclusionary rules including hearsay, privilege, character and improperly recovered evidence.
6. Witnesses: their competence, compellability and vulnerability.

BOOKLIST

ESSENTIAL READING

Raitt on Evidence: Principles, Policy and Practice (3rd ed by E Keane and F Davidson, 2018) (W Green)

RECOMMENDED READING

F P Davidson, Evidence (2007) (SULI, W Green)

M Ross and J Chalmers, Walker and Walker: The Law of Evidence in Scotland (5th edn, 2020) (Bloomsbury)

A N Brown, Criminal Evidence and Procedure: An Introduction (3rd edn, 2010) (Avizandum)

J Chalmers, Scottish Evidence Law Essentials (4th edn, 2017) (Edinburgh University Press)

NB; As the law is constantly changing, candidates should make use of case and legislation citators to update textbook readings.

PROCEDURE

Candidates should note that, in examination answers, they are expected to cite relevant authority and procedural rules.

ASSESSMENT

One exam paper of 1-hour duration. Each candidate will be required to answer 2 out of 4 questions. The question paper will be divided into Section A (Civil) and Section B (Criminal) and candidates are required to answer one question from Section A, and one question from Section B.

SYLLABUS

1. The various Courts and their jurisdictions, civil and criminal.
2. The actions, procedural rules, and proceedings competent in each.
3. Court of Session procedure.
4. Sheriff Court procedure.
5. Criminal procedure.
6. Diligence.
7. Recovery of documents and real evidence.
8. Funding and settlement of litigation.
9. Legal aid.

Candidates will be expected to be fully familiar with the up-to-date procedure rules for both the Sheriff Court and Court of Session.

BOOKLIST

ESSENTIAL READING

I D Macphail, *Sheriff Court Practice* 3rd ed,2006) (W Green)
Greens Annotated Rules of the Court of Session (Reprinted from The Parliament House Book) (latest edition) (W Green)
Greens Sheriff Court Rules (Reprinted from The Parliament House Book) (latest edition) (W Green)
Criminal Procedure (Scotland) Act 1995 (latest edition) replaces *Greens Criminal Statutes* (Reprinted from The Parliament House Book) (latest edition) (W Green)
Renton & Brown, *Criminal Procedure* (6th ed) and updates

RECOMMENDED READING

G Maher and B J Rodger, *Civil Jurisdiction in the Scottish Courts* (2010)
Anton and Beaumont, *Civil Jurisdiction in Scotland* (2nd ed,1995) (W Green) **Out of print**
G Maher and D J Cusine, *The Law and Practice of Diligence* (1990) (Butterworths/LSS).
I H B Carmichael, *Sudden Deaths and Fatal Accident Inquiries* (3rd ed,2005) (W Green).
R Black, *An Introduction to Written Pleading* (Law Society of Scotland) **Now out of print** (but may be available in libraries).
Stair Memorial Encyclopaedia - vol. 17 - Procedure-pp.145-636 (Butterworths/Law Society of Scotland) **Available on LexisLibrary**

CONVEYANCING

ASSESSMENT

One exam paper of 1-hour duration. Each candidate will be required to answer 2 out of 3 questions.

SYLLABUS

1. Execution of deeds.
2. The Law of Land Ownership, the acquisition, transfer and disposal of heritable property including securities and real burdens.
3. Leases.
4. Registration of Title.

BOOKLIST

GENERAL BACKGROUND

Gloag & Henderson - The Law of Scotland (14th ed) (W Green).

LAW OF PROPERTY

G L Gretton and A J M Steven, Property, Trusts and Succession (Bloomsbury, 3rd edn, 2017)

G L Gretton and K G C Reid, Conveyancing (5th ed, 2018) (W Green)

D A Brand, A J M Steven and S Wortley, Professor McDonald's Conveyancing Manual (7th ed., 2004) (Lexis Nexis)

Avizandum Statutes on Scots Law of Property, Trusts & Succession (updated annually) (Avizandum)

RECOMMENDED READING

D J Cusine and R M Paisley - Servitudes and Rights of Way (1998) (W Green)

W M Gordon - Scottish Land Law (2nd ed, 1999) (W Green).

G L Gretton and K G C Reid - Conveyancing (5th ed, 2018) (W Green)

J M Halliday - Conveyancing Law & Practice in Scotland (2nd ed, 2 vols, 1996 & 1997) (W Green).

R Rennie & D J Cusine, Requirements of Writing (1995) (Butterworths)

T Guthrie, Scottish Property Law, (2nd ed, 2005) Tottel Publishing.

K G C Reid - The Law of Property in Scotland (1996) (Lexis Nexis)

R Paisley - Land Law (2000) (W Green)

TRUSTS AND SUCCESSION

ASSESSMENT

One exam paper of 1-hour duration. Each candidate will be required to answer 2 out of 3 questions.

SYLLABUS

1. Wills.
2. Intestate succession.
3. Constitution of trusts.
4. Trustees and executors.
5. Administration of trusts.

BOOKLIST

ESSENTIAL READING

K McK Norrie & E M Scobbie - Trusts (1991) (W Green).

D R Macdonald - An Introduction to the Scots Law of Succession (2001) (3rd ed) (W Green).

Gretton and Steven, Property, Trusts and Succession (only the relevant chapters), 3rd Edition, 2017.

Hilary Hiram - The Scots Law of Succession (2nd ed, 2007) (Tottel)

Stair Memorial Encyclopaedia of the Laws of Scotland - "Wills & Succession" (Vol. 25).

Stair Memorial Encyclopaedia of the Laws of Scotland - "Trusts, Trustees and Judicial Factors" (Vol. 24). **Available on LexisLibrary**

EUROPEAN LAW AND INSTITUTIONS

Candidates must develop an awareness of the pervasive influence of European Union (EU) law on daily practice. In particular they must develop an understanding that EU law arguments can and have been raised in all kinds of legal proceedings – commercial, administrative, financial, social and in criminal cases.

ASSESSMENT

One exam paper of 1-hour duration. The paper is divided into two parts, reflecting heads 1-5 and 6-8 of the syllabus below respectively. Candidates will be required to answer 2 questions, one from each part.

SYLLABUS

1. Constitutional structure and competences of the European Union:
 - the scope of Treaties (the TEU and the TFEU)
 - the powers of the EU, the allocation of competences between the Member States and the EU
 - 'Brexit'
2. The EU institutions and the legislative process.
3. Sources of EU Law.
4. EU Law and National Law:
 - incorporation of EU Law in the United Kingdom; the European Communities Act 1972;
 - direct effect and supremacy; "indirect" effect; "enforceable EU Rights" and remedies in UK courts.
5. Jurisdiction of and actions before the Court of Justice of the European Union (CJEU) and the General Court.
6. The law of the Internal market:
 - the free movement of goods, persons, services; harmonisation of legislation.
7. The competition rules:
 - restrictive practices; monopolies; oligopolies; mergers; public undertakings; state aids; internal taxation; intellectual property; enforcement.
8. Sex discrimination law.

BOOKLIST

RECOMMENDED READING: a choice of either of these textbooks

Kaczarowska-Ireland, European Union Law (4th ed, 2016)

Craig & de Búrca, EU Law: Texts, Cases and Materials (6th ed, 2015)

Edward & Lane, Edward and Lane on European Union Law (2013)

Dashwood et al (eds), Wyatt and Dashwood's European Union Law (6th ed, 2011)

PROFESSIONAL CONDUCT

ASSESSMENT

One exam paper of 1-hour duration, plus 10 minutes of reading time. Each candidate will be required to answer 2 out of 3 questions. All questions are marked out of 20 and weighted equally.

SYLLABUS

1. Professionalism, the Law Society of Scotland and forms of practice.
2. Standards, Complaints, Discipline and the Scottish Legal Complaints Commission. Professional entry requirements; requirements for practice; competence; professional negligence and professional misconduct; inadequate professional services; complaints and disciplinary procedures. Indemnity insurance and the Client Protection Fund.
3. The Client/Lawyer relationship - Ethical aspects. Initial overtures (advertising, marketing, websites and social media); establishing the relationship (retainers and referral fees); the extent of a lawyer's authority; confidentiality/professional privilege; conflicts of interest; client property; fees charging and taxation; termination of the relationship.
4. Obligations to others - duties to the Court; duties to witnesses; duties to professional colleagues (including the obligation to pay counsel's fees); duties to staff; duties to third parties in general.

BOOKLIST

ESSENTIAL READING

Law, Practice & Conduct for Solicitors - (Paterson & Ritchie 2nd edn) (W Green, 2014)

The Solicitors Professional Handbook - latest edition (W Green) and especially the Law Society of Scotland Practice Rules 2011 (in the Handbook). **For this exam, it is not essential to read the parts of the handbook that refer to money laundering, proceeds of crime, the Accounts Rules and investment business rules. However, a working knowledge of these areas would be recommended.**

RECOMMENDED READING

JH Webster - Professional Ethics & Practice for Scottish Solicitors (4th ed, 2004) (Avizandum)

THE ACCOUNTS RULES

ASSESSMENT

One exam paper of 1-hour duration. Each candidate will be required to answer 2 out of 3 questions.

SYLLABUS

The purpose of this paper is to test the candidate's knowledge and understanding of the Accounts Rules and Anti Money Laundering legislation and practice.

BOOKLIST

ESSENTIAL READING

- Rule B6 The Accounts Rules
- Rule B9 Money Laundering and Terrorist Financing
- The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 as amended
- Proceeds of Crime Act 2002
- Guidance from Law Society of Scotland on Accounts, Accounts Certificate, Professional Practice and Guarantee Fund Rules
- Legal Sector Affinity Group Anti-Money Laundering Guidance for the legal sector Website of the Law Society of Scotland

RECOMMENDED READING - Included in the solicitors Professional Handbook:

- Solicitors Professional Handbook - latest edition (W Green) including: -
- Solicitors (Scotland) Act 1980

(Note: These are only guides to the Rules and are not a substitute for the Rules themselves)

LAW SOCIETY OF SCOTLAND MARKING SCALE AND DESCRIPTORS

GRADES A-D ARE PASS GRADES.

GRADE	BAND	SCORE	DESCRIPTOR
A	A1	20	Answers at this level will show a very full knowledge and understanding of the material and of relevant interpretative and critical points. They will be well constructed with clear conclusions, supported by sound arguments. Where relevant the candidate will show to a high degree the ability to apply legal principles to the solution of problems, and there will be good use of sources and proper reference to authority.
	A2	19	
	A3	18	
B	B1	17	Answers at this level will show a full knowledge and understanding of the material and of relevant critical and interpretative points. They will be generally well constructed with clear conclusions supported by sound arguments. There may be some errors or misunderstandings in relatively unimportant details. Where relevant the candidate will show substantial ability to apply legal principles to the solution of problems. There will be substantial use of sources and proper reference to authority.
	B2	16	
	B3	15	
C	C1	14	Answers will show a generally sound knowledge and understanding of the material and of relevant critical and interpretative points. Answers will be less clearly organised than those in the higher bands and there may be some significant errors, omissions or misunderstandings. Where relevant the candidate will show some ability to apply legal principles to the solution of problems. There should be some use of sources and reference to authority.
	C2	13	
	C3	12	
D	D1	11	Answers will show an adequate level of knowledge and understanding of the material, but they are likely to be lacking in detail and to include significant errors, omissions and misunderstandings. The grasp shown of critical and interpretative points may be insecure and the organisation of the answer may be weak. The candidate should show awareness of the need to refer to authority and limited ability to apply legal principles to the solution of problems.
	D2	10	
	D3	9	
E	E1	8	Answers at this level will show knowledge and understanding of some of the relevant material but there will be serious deficiencies. Understanding of critical and interpretative points may be poor. The answer may be badly organised and difficult to follow. The candidate may be unable to apply legal principles to the solution of problems. The candidate may not show awareness of the need to refer to authority.
	E2	7	
	E3	6	
F	F1	5	Answers at this level will show knowledge and understanding of very little of the relevant material. Understanding of critical and interpretative points will be poor. The answer may be badly organised and difficult to follow. The candidate may be unable to apply legal principles to the solution of problems. The candidate may not show awareness of the need to refer to authority.
	F2	4	
	F3	3	
G	G1	2	Answers at this level will show very serious weaknesses. Very little knowledge will be shown of the relevant material and what is known will have been seriously misunderstood. The candidate may be unable to apply legal principles to the solution of problems. The candidate may not show awareness of the need to refer to authority.
	G2	1	
H		0	Answers at this level will show no (or virtually no) evidence of knowledge or understanding. The candidate may have entirely failed to understand the question, or the answer is significantly incomplete.

**LAW SOCIETY OF SCOTLAND
FEEDBACK FORM FOR EXAMINATIONS**

CANDIDATE NUMBER:

Exam Subject:

This feedback form is designed to provide guidance on your performance in examinations, hinting at how your learning and understanding may be demonstrated, and the characteristics that tend to distinguish work at different grades. **Grades A – D are pass grades.**

Your grades

Question number	Grade awarded

Grade A

Answers at this level (**excellent**) will show a very full knowledge and understanding of the material and of relevant interpretative and critical points. They will be well constructed with clear conclusions, supported by sound arguments. Where relevant the candidate will show to a high degree the ability to apply legal principles to the solution of problems, and there will be good use of sources and proper reference to authority. Performance is likely to be characterised by several of the following:

- the question is answered clearly, comprehensively and with appropriate focus
- excellent organisation and structure of answer
- reasoned arguments developing logical conclusions, if relevant
- integration of new information, if relevant
- citation of relevant source material (e.g. cases, statutes)
- evidence of wide reading, if relevant
- application of learning to problem solve, if relevant
- accuracy and absence of errors

Some of these factors were evident in the following answers:

Question number	Comments

Grade B

Answers at this level (**very good**) will show a full knowledge and understanding of the material and of relevant critical and interpretative points. They will be generally well constructed with clear conclusions supported by sound arguments. There may be some errors or misunderstandings in relatively unimportant details. Where relevant the candidate will show substantial ability to apply legal principles to the solution of problems. There will be substantial use of sources and proper reference to authority. Performance is likely to be characterised by some, at least, of the following:

- the question is answered clearly and fully
- good organisation and structure of answer
- reasoned arguments developing logical conclusions
- very good understanding of the subject
- clear evidence of awareness of relevant sources
- application of learning to problem solve, if relevant
- accuracy and absence of significant errors although, distinguishing it from an excellent performance, it might be faulted on grounds of a less comprehensive presentation, solution or answer

Some of these factors were evident in the following answers:

Question number	Comments

Grade C

Answers at this level (**good**) will show a generally sound knowledge and understanding of the material and of relevant critical and interpretative points. Answers will be less clearly organised than those in the higher bands and there may be some significant errors, omissions or misunderstandings. Where relevant the candidate will show some ability to apply legal principles to the solution of problems. There should be some use of sources and reference to authority. Performance is likely to be characterised by some, at least, of the following:

- attempt made to answer the question set
- ability to solve some of the problem set, if relevant
- basic to good understanding of the subject
- evidence of some awareness of relevant sources

- inclusion of some relevant examples although, distinguishing it from a very good performance, it might be faulted on grounds of lacking sufficiently well-structured argument, not offering sufficient sources or evidence to justify assertions, and containing some errors

Some of these factors were evident in the following answers:

Question number	Comments

Grade D

Answers at this level (**satisfactory**) will show an adequate level of knowledge and understanding of the material, but they are likely to be lacking in detail and to include significant errors, omissions and misunderstandings. The grasp shown of critical and interpretative points may be insecure and the organisation of the answer may be weak. The candidate should show awareness of the need to refer to authority and limited ability to apply legal principles to the solution of problems. Performance is likely to be characterised by some, at least, of the following:

- attempts made to answer the question set
- ability to solve some of the problem set, if relevant
- modest evidence of understanding of the subject
- modest evidence of relevant sources or reading
- distinguishing it from a good performance, it might contain more errors, present arguments which are less well-structured or offer fewer sources by way of authority

Some of these factors were evident in the following answers:

Question number	Comments

Grade E

Answers at this level (**weak**) will show knowledge and understanding of some of the relevant material but there will be serious deficiencies. Understanding of critical and interpretative points may be poor. The answer may be badly organised and difficult to follow. The candidate may be unable to apply legal principles to the solution of problems. The candidate may not show awareness of the need to refer to authority. Performance is likely to be characterised by some, at least, of the following:

- failure to answer the question set though an answer to a similar question may be offered
- partial solutions to problems set
- little evidence of understanding of the subject
- little evidence of relevant reading or research
- inclusion of very few relevant ideas
- absence of structured argument
- little evidence to justify assertions
- few relevant examples
- several significant errors

Some of these factors were evident in the following answers:

Question number	Comments

Grade F

Answers at this level (**poor**) will show knowledge and understanding of very little of the relevant material. Understanding of critical and interpretative points will be poor. The answer may be badly organised and difficult to follow. The candidate may be unable to apply legal principles to the solution of problems. The candidate may not show awareness of the need to refer to authority. Performance is likely to be characterised by some, at least, of the following:

- failure to answer the question set though an answer to a question within the same topic area may be offered
- very little evidence of understanding of the subject or of sources
- absence of structured argument
- very little evidence to justify assertions
- many significant errors

Some of these factors were evident in the following answers:

Question number	Comments

Grade G

Answers at this level (**very poor**) will show very serious weaknesses. Very little knowledge will be shown of the relevant material and what is known will have been seriously misunderstood. The candidate may be unable to apply legal principles to the solution of problems. The candidate may not show awareness of the need to refer to authority. Performance is likely to be characterised by some of the following (but is distinguished from a Grade 'H' performance by the fact that not all of these characteristics will be present):

- failure to answer the question set
- no evidence of understanding of the subject
- no evidence of relevant sources
- absence of structured argument
- many significant errors

Some of these factors were evident in the following answers:

Question number	Comments

Grade H

Answers at this level (**absence of positive qualities**) will show no (or virtually no) evidence of knowledge or understanding. The candidate may have entirely failed to understand the question, or the answer is significantly incomplete.

This was evident in the following answers:

Question number	Comments